

REMARKS

In continuing to reject claims 1-2, 4-12 and 14-22 under 35 USC 102(e) as anticipated by the patent to Basset Jr. et al (hereinafter "Bassett") and, in connection with claims 3 and 13, as "obvious" use of multiplex polymerase reaction two-dimensional scanning under 35 USC 103(a), the Office has interpreted the claims as so broad as to embrace "standardized in the sense that they are all two dimensional and in color...(and) also... JPEG".

Clearly, while useful, these are not critical elements of standardization intended and, indeed, *required* by applicant to obtain his novel results (in no way disclosed or even hinted at in Basset) of enabling comparison and analysis of new and previously stored genomic data spot image patterns by the overlay "image comparisons"

"by optical techniques... with previously stored spot pattern image data on that gene(s) from others or earlier from the same researcher...(page 8 of specification)."

To provide this novel result, as the Office correctly states (page 5 of its action), "it is clear that size and contrast" are the standards applicant must provide to accomplish such optical comparisons and to attain his intended operation. Neither this critical image spot "size" standardization or "contrast" standardization, of course, form any part of the Basset disclosure or operation; and the claims have accordingly been amended to so distinguish applicant's invention from this prior art.

Claim 1, for example, as amended, now more clearly and distinguishingly recites that the spot image patterns must all have "standard size and contrast gene spot images" for "spot image comparison as by optically comparing the standard size and contrast gene spot images".

The same distinguishing amendments have also been incorporated into independent method claim 2, apparatus claim 12, and into method claim 16. All of remaining claims 3-11, 13-15 and 17-22 depend from one or more of these amended independent claims and thus also incorporate the amendments thereto.

In view of the Office comments with regard to dependent claim 6, however, applicant wishes to make clear that he certainly did not exclude the resulting spot pattern images from being incorporated in his invention ("Apart from the resulting spot pattern images...").

Reconsideration and allowance of all of claims 1-22, particularly in their amended form, are thus considered to be in order and are respectfully requested.

Any costs required by this filing, including for any required extensions of time, petition for which is hereby made, may be charged to account 18-1425 of the undersigned counsel.

Respectfully submitted,

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